

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

JOHN M. SIBLEY, JR., )  
Plaintiff, ) Case No. 4:05CV00046  
v. )  
RAIL AMERICA, INC., )  
a Delaware Corporation, d/b/a VIRGINIA )  
SOUTHERN RAILROAD and NORTH )  
CAROLINA & VIRGINIA RAILROAD )  
COMPANY, INC., a Virginia Corporation, )  
d/b/a VIRGINIA SOUTHERN RAILROAD )  
Defendants.

) **ORDER**

) By: Jackson L. Kiser  
Senior United States District Judge

Before me now are Defendant Rail America Inc.'s ("Defendant") Motions to Dismiss under Fed. R. Civ. P. Rules 12(b)(1) and (2) for lack of subject matter jurisdiction and personal jurisdiction as claimed in Plaintiff John M. Sibley, Jr.'s Complaint. For the reasons set forth in the accompanying Memorandum Opinion, Defendant's Motion to Dismiss for lack of subject matter jurisdiction is **GRANTED** and Defendant's Motion to Dismiss for lack of personal jurisdiction is **DISMISSED** as moot.

The Clerk is hereby instructed to send a copy of this Order to all counsel of record.

Entered this 11<sup>th</sup> day of January, 2006

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s/Jackson L. Kiser  
Senior United States District Judge